

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Claims 16, 23, 28, 29 and 34 are rejected, under 35 U.S.C. § 102, as being anticipated by Winquest `271 (U.S. Patent No. 1,674,271) while claims 16, 23, 28, 29 and 34 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over McClean `074 in view of Rink `939 (U.S. Patent No. 3,127,939) or James `686 (U.S. Patent No. 6,904,686) or Rosenbloom `116 (U.S. Design No. 130,116). The Applicant acknowledges and respectfully traverses all of the raised obviousness rejections in view of the above amendments and the following remarks.

Turning first to Winquest `271, the Applicant notes that this reference specifically teaches and discloses an undulating leading cutting edge and not a planar cutting edge, as now claimed. In addition, Winquest `271 fails to in any way teach, suggest, disclose or remotely hint at the only opposed first and second blades each having a planar blade cutting edge in which each of the first and the second blades is "formed by a cut formed in a sidewall of the tubular member with the cut sidewall being bent inward into the interior cavity of the tubular member to form respectively the first and the second blades" or the that the "planar blade cutting edge of the first and the second blades lie substantially in a plane defined by the substantially circular and planar cutting edge," as presently claimed.

McClean `074 relates to a design of a pie dough cutter which includes an outer ring with two ends. The pie dough cutter has a total of eight blades that axially span from the "handle" to the second end of the outer ring and radially extend toward the longitudinal axis from the outer ring, not one or two blades as currently claimed. Further, it should also be noted that each of the blades is coupled or connected to both the outer ring (i.e., the tubular member) and the "handle"--not just the tubular member as presently claimed. In addition, the blades do not appear to extend about half way, from the tubular member toward the longitudinal axis, and are certainly not "formed by a cut formed in a sidewall of the tubular member with the cut sidewall being bent inward into the interior cavity of the tubular member to form respectively the first and the second blades," as presently recited in claims 23 and 29.

In addition, in order to address the Examiner's concerns and further distinguish the presently claimed invention from McClean `074, the longitudinal axis of the device is further

clarified by the above amended claims. Lastly, claims 23 and 29 are amended to provide consistency with dependent claims 28 and 34.

The Applicant acknowledges that the additional references of Rink '939, James '686 and/or Rosenbloom '116 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of McClean '074 with this additional art of Rink '939, James '686 and/or Rosenbloom '116 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claim 23 now recite the features of "a tubular member having first and second opposed ends with the tubular member having an interior cavity and defining a longitudinal axis extending longitudinally through a center of the tubular member, the handle being connected adjacent the first end of the tubular member and the second end of the tubular member defining a substantially circular and planar cutting edge; and at least one blade having a planar blade cutting edge, the at least one blade being formed by a cut formed in a sidewall of the tubular member and the cut sidewall being bent inward into the interior cavity of the tubular member to form the at least one blade such that an opposite end of the at least one blade extends about half way toward the longitudinal axis but remains free and unsupported within the interior cavity, and the planar blade cutting edge lies substantially in a plane defined by the substantially circular and planar cutting edge." Independent claim 29 now recite the features of "a tubular member having first and second opposed ends with the tubular member having an interior cavity and defining a longitudinal axis extending longitudinally through a center of the tubular member, the handle being connect adjacent the first end of the tubular member and the second end of the tubular member defining a substantially circular and planar cutting edge; and opposed first and second blades each having a planar blade cutting edge, each of the first and the second blades being formed by a cut formed in a sidewall of the tubular member with the cut sidewall being bent inward into the interior cavity of the tubular member to form respectively the first and the second blades such that an opposite free end of the first and the second blades extends about half way toward the longitudinal axis but remains free and unsupported within the interior cavity, and

the planar blade cutting edge of the first and the second blades lie substantially in a plane defined by the substantially circular and planar cutting edge.”

Lastly, new independent claim 37 is entered in this case and that new claim recites the features of a “coring device comprising: a tubular cutting member having a first end with a circular cutting edge defining a plane extending substantially perpendicular to a longitudinal axis of the tubular cutting member; a handle connected to adjacent a second opposed end of the tubular cutting member to facilitate manipulation and rotation of the tubular cutting member about its longitudinal axis....at least one inwardly directed protrusion having a cutting edge lying substantially in the plane defined by the circular cutting edge, and the at least one inwardly directed protrusion effecting a rotary shearing action, upon rotation of the tubular cutting member about the longitudinal axis, along the plane which assist with separating a core from the desired fruit such that a cylindrical opening is formed in the desired fruit with a bottom of the cylindrical opening being substantially planar.” Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Winquest `271, McClean `074, Rink `939, James `686 and/or Rosenbloom `116 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that

end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

Claims 16, 23, 28, 29 and 34 are rejected, under 35 U.S.C. § 102, as being anticipated by Winquest `271 (U.S. Patent No. 1,674,271). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Claims 16, 23, 28, 29 and 34 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over McClean in view of Rink `939 (U.S. Patent No. 3,127,939) or James `686 (U.S. Patent No. 6,904,686) or Rosenbloom `116 (U.S. Design No. 130,116). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional references of may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Winquest `271, McClean, Rink `939, James `686 and/or Rosenbloom `116 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the

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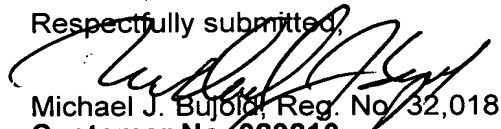
Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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